

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.622(b),) MB Docket No. 02-81
Table of Allotments,) RM-10422
Digital Television Broadcast Stations.)
(Bethlehem, Pennsylvania))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 21, 2003

Released: February 27, 2003

By the Chief, Video Division:

1. At the request of Sonshine Family Television, Inc. ("Sonshine"), licensee of station WBPH-TV, NTSC channel 60, Bethlehem, Pennsylvania, the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 7254 (2002), proposing the substitution of DTV channel 9 for station WBPH-TV's assigned DTV channel 59. Sonshine filed comments. No other comments were received.

2. Sonshine filed comments stating that adoption of its channel substitution proposal will permit it to construct its DTV facilities on a permanent channel, while promoting channel 9 as WBPH-TV's permanent channel assignment throughout the DTV transition. In addition, Sonshine states that making an in-core channel available for use by WBPH-TV will enable the Commission to recover spectrum (channel 59-69) for new "third generation" wireless service prior to the complete of the DTV transition.

3. We believe the public interest would be served by allotting DTV channel 9 in lieu of DTV channel 59 since it will permit station WBPH-TV to operate on an in-core channel, while reducing its DTV transition construction costs. DTV channel 9 can be allotted to Bethlehem, Pennsylvania, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 40-33-52 N. and 75-26-24 W. Since the community of Bethlehem is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government has been obtained for this allotment. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station WBPH-TV with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
PA Bethlehem	9	3.2	284	2634

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective April 14, 2003, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Bethlehem, Pennsylvania	9

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Sonshine Family Television, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 9 in lieu of DTV Channel 59 for station WBPH-DT.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau